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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

LYNNETTE NIGRO,)	
)	Cause No. 07-128-M-DWM
Plaintiff,)	
)	PLAINTIFF'S PRELIMINARY
vs.)	PRE-TRIAL STATEMENT
)	
BRIDGESTONE AMERICAS HOLDINGS, INC.,)	
)	
Defendant.)	

COMES now the above named Plaintiff and for her Preliminary Pre-trial Statement,
states as follows:

A. Pre-factual Outline

On December 31, 2004, the Plaintiff contracted with Firestone Tire and Service Centers located at 3638 E. Thomas Road in Phoenix, Arizona to perform a complete vehicle inspection and tire rotation on her 1996 Ford Explorer. Following the service, Plaintiff was traveling north on Interstate 17 when certain lug nuts on her vehicle became loose causing Plaintiff to lose control of her truck. The vehicle spun out of control at a high rate of speed, causing injury to the Plaintiff.

1. PLAINTIFF'S PRELIMINARY PRE-TRIAL STATEMENT

B. Issues of Jurisdiction and Venue

None. The Court has jurisdiction over this action and venue in the District of Montana, Missoula Division is appropriate.

C. The Factual Basis for Claim

Defendant negligently serviced Plaintiff's vehicle on December 31, 2004, which ultimately led to certain lug nuts on Plaintiff's vehicle becoming loose, causing Plaintiff to lose control of her truck traveling north on Interstate 17, which accident and subsequent medical care caused severe injury to Plaintiff.

D. Legal Theories Underlying Claims

Negligence in servicing Plaintiff's vehicle which ultimately caused severe injury to Plaintiff.

E. Computation of Damages

As a result of the subject accident and subsequent medical care, plaintiff suffered significant low back injury, as well as neck, head and shoulder pain. Without attempting to invade the province of the jury, the damages sought by the Plaintiff against the Defendant may include expenses for past and future medical services, lost wages, pain and suffering, interference with an established course of life, loss of ability to perform household services, and any and all additional damages allowed by Montana law, which amount is estimated at this time to be approximately \$650,000.00. Obviously, the total damages

recoverable will be determined by the trier of fact and Plaintiff reserves the right to amend this computation as warranted by the circumstances.

2. PLAINTIFF'S PRELIMINARY PRE-TRIAL STATEMENT

F. Early Neutral Evaluation

Plaintiff believes that early neutral evaluation would be beneficial and that such an evaluation should take place as soon as possible. The Plaintiff would agree to participate in good faith with the Defendant to jointly nominate a neutral evaluator.

G. Tendency or Disposition of Related Litigation

The Plaintiff is unaware of any related litigation in connection with this matter.

H. Proposed Stipulations of Fact and Law

The Plaintiff proposes that the parties stipulate to the following:

1. Plaintiff contracted with the Defendant to inspect her vehicle and perform a tire rotation on December 31, 2004.
2. On December 31, 2004, the Plaintiff, while riding in the vehicle serviced by Defendant, was in an accident on Interstate 17, approximately 65 miles north of Phoenix, AZ.
3. Plaintiff was injured as a result of the accident.

I. Proposed Deadlines Relating to Joint Parties or Amendment of Pleadings

Plaintiff proposes that the parties join additional parties or amend the pleadings on or before July 31, 2008.

J. Identification of Controlling Issues of Law Suitable for Pre-trial Disposition

Controlling issue in this action is negligence and therefore pre-trial disposition is unlikely.

K. Identification of Individuals with Information

- a. Lynn Nigro
- b. Firestone Tire and Service Centers, 3638 E. Thomas Road, Phoenix, AZ 85018,

3. PLAINTIFF'S PRELIMINARY PRE-TRIAL STATEMENT

names unknown, one of which admitted to Plaintiff that one or more employees of Defendant had not mounted the tires on Plaintiff's 1996 Ford Explorer appropriately on December 31, 2004, which caused the lug nuts on the vehicle to become loose.

- c. Tow truck operator ("Roger"), Tow 4 Less, 1915 W. Adobe, Phoenix, AZ 85027, who may have information surrounding the accident.
- d. Healthcare providers of the Plaintiff, as well as those individuals which are otherwise set forth in the medical documents previously produced to Defendant.
- f. Family members and/or friends, identity yet unknown, who may have discoverable information in connection with Plaintiff's damage claim .

L. Documents that may be used in Proving or Denying any Parties' Claims or Defenses

The Plaintiff may use medical records, medical invoices and invoices reflecting the contract between Plaintiff and Defendant as well as damage repair estimates, copies of which have been previously produced to Defendant.

M. Insurance Agreement

Plaintiff is unaware of any insurance agreements which may provide coverage for Plaintiff's claim against Defendant.

N. Feasability of Settlement

Plaintiff believes that this matter should be settled.

O. Suitability of Special Procedures

Plaintiff requests that this action be placed on this Court's expedited trial calendar.

RESPECTFULLY submitted this 12th day of May, 2008.

4. PLAINTIFF'S PRELIMINARY PRE-TRIAL STATEMENT

Joyce, Johnston & MacDonald, PLLP

/s/ Terry J. MacDonald

Terry J. MacDonald

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CERTIFICATE OF SERVICE

I do hereby certify that I served the foregoing on the following counsel of record by CM/EFC:

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Attorney for Defendant _____

DATED this 12th day of May, 2008.

Joyce, Johnston & MacDonald, PLLP

/s/ Terry J. MacDonald

Terry J. MacDonald

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